

EXHIBIT 9

In the Matter Of:

CADDO SYSTEMS vs

MICROCHIP TECHNOLOGY

LUKE WROBLEWSKI

October 13, 2021



1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
2 WACO DIVISION

3 CADDY SYSTEMS, INC., and)
4 511 TECHNOLOGIES, INC.)
4) Case No.
5 Plaintiffs,) 6:20-cv-245-ADA
5 vs.)
6)
6 MICROCHIP TECHNOLOGY,)
7 INCORPORATED,)
7)
7 Defendant.)
8 -----X
8 CADDY SYSTEMS, INC., and)
9 511 TECHNOLOGIES, INC.)
9) Case No.
10 Plaintiffs,) 6:20-cv-244-ADA
10 vs.)
11)
11 NXP SEMICONDUCTORS N.V., et)
12 al.,)
12 Defendants.)
13 -----X

14

15 VIDEOTAPED ORAL DEPOSITION OF

16 LUKE WROBLEWSKI

17

18 Conducted Remotely

19 Wednesday, October 13, 2021

20 9:05 a.m. (PST)

21

22

23

24 Stenographically remotely reported by:
24 Mayleen Ahmed, RMR, CRR, CRC, CSR/CCR
25 Job No.: 814276

2

1 Remote Appearances Via Lexitas LegalView

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30 Also Present:

31 CHRISTOPHER MIERZEJEWSKI, Sr. Corporate Counsel
32 Microchip Technology, Inc.

33 ADRIAN BELTRAN, Videographer/Doc Tech, Lexitas

34 ---oo---

3

1

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WITNESS: LUKE WROBLEWSKI

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10

11

----- DOCUMENT/INFORMATION REQUESTS -----

12

DESCRIPTION PAGE

13

Date the breadcrumb drop-down navigation structure was live on lukew.com web page	212
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14

15

----- EXHIBITS -----

16

DEFENDANT'S PAGE

EXHIBIT DESCRIPTION

17

Exhibit 1 Metadata [Native Excel]	16
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18

Exhibit 2 LinkedIn profile	19
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20

Exhibit 3 Copy of "Site-Seeing: A Visual Approach to Web Usability" (MCHP-CADD0_0010195 - 10556)	30
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21

Exhibit 4 Word files "Site-Seeing: A Visual Approach to Web Usability" excerpt (193pp) (LW_0003)	32
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1 ----- EXHIBITS (Cont'd) -----
2 DEFENDANT'S
3 EXHIBIT DESCRIPTION PAGE
4 Exhibit 5 Draft print of "Site-Seeing: A 46
Visual Approach to Web
Usability," "Chapter 2 - You
Need a Plan: Preparing for
Content" [Native .doc file)
(LW_0013)
5
6

7 Exhibit 6 (Excerpt) Breadcrumb Drop-down 92
figure from "Site-Seeing"
8 Exhibit 7 (Excerpt) Breadcrumb Drop-down 96
excerpt from "Site-Seeing"
with "Active Link" add-on
9
10
11

12 ----- EXHIBITS -----
13 PLAINTIFF'S
14 EXHIBIT DESCRIPTION PAGE
15 Exhibit P1 Scan of "Site-Seeing" Chapter 110
Two - "You Need a Plan:
Preparing for Content," (24pp)
16 Exhibit P2 Amazon.com "Site-Seeing" pdf 111
book info (native txt. file.)
17 Exhibit P4 9/28/21 email chain to/from 162
LukeW and Travis Jensen re:
"Site Seeing - Breadcrumb
Drop Down Menu" (35pp)
18
19
20 Exhibit P9 Breadcrumb Drop-down 191
demonstrative (original
PNG file)
21
22
23
24
25

---00---

1 DEPOSITION OF LUKE WROBLEWSKI - October 13, 2021

2 -----

3 THE VIDEOGRAPHER: We are on the record
4 on October 13, 2021 at approximately 9:05 a.m.
5 Pacific time for the remote video deposition of Luke
6 Wroblewski in the matter of Caddo Systems, Inc., and
7 511 Technologies, Inc., versus Microchip Technology,
8 Inc.

9 My name is Adrian Beltran, and I am the
10 videographer and document technician for today.

11 Now, will counsel please introduce
12 themselves for the record, beginning with the party
13 noticing this proceeding.

14 MS. MAO: This is Lillian Mao of Orrick
15 Herrington & Sutcliffe on behalf of Microchip.

16 MS. McCARTY: This is Veronica Schad on
17 behalf of plaintiff, Caddo Systems, from Devlin Law
18 Firm.

19 MR. SHELTON: And Barry Shelton of
20 Shelton Colburn LLP, representing NXP USA, Inc.

21 MR. JENSEN: We also have Travis Jensen
22 from Orrick Herrington & Sutcliffe for Microchip, as
23 well as virtually, in-house counsel, Chris
24 Mierzejewski from Microchip.

25 MR. CHAN: And also, Alex Chan on behalf

1 of the plaintiffs, Devlin law firm.

2 THE VIDEOGRAPHER: Thank you. Will the
3 court reporter please swear in the witness.

4 THE REPORTER: Good morning. My name is
5 Mayleen Ahmed, with Lexitas. The reporter is
6 currently sitting in the state of Texas; the witness
7 is currently sitting in California. So in
8 proceeding today, the parties agree and stipulate
9 that the court reporter shall administer the oath
10 and take down the deposition stenographically from a
11 remote location; that the witness is testifying
12 under the penalty of perjury as if sworn in person;
13 and that the deposition will be admissible in court
14 as if it had been taken following the Federal Rules
15 of Civil Procedure, or the state's rules where this
16 case is pending, the State of Texas.

17 Before we proceed, I will ask counsel
18 present to state their agreement to the above
19 stipulation or state if there is any objection.

20 MS. MAO: Yes, so stipulated.

21 MS. McCARTY: So stipulated.

22 MR. SHELTON: So stipulated for NXP USA.

23 THE REPORTER: Hearing no objection, if
24 you could please raise your right hand.

25 Do you solemnly swear under penalty of

7

1 perjury that you are Luke Wroblewski, and the
2 testimony you are about to give in the matter now
3 pending shall be the truth, the whole truth, and
4 nothing but the truth?

5 THE WITNESS: I do.

6 THE REPORTER: Thank you.

7 Counsel, we may begin.

8 MS. MAO: Thank you.

9 -----

10 LUKE WROBLEWSKI

11 having been duly sworn, testified as follows:

12 -----

13 EXAMINATION

14 BY MS. MAO:

15 Q. Good morning, Mr. Wroblewski. My name
16 is Lillian Mao. As I just said, I represent
17 Microchip, which is one of the defendants, and I'll
18 be asking you some questions today.

19 Just to begin, could you please state
20 your full name for the record.

21 A. Sure. My name is Luke Wroblewski.

22 Q. And what current -- what city do you
23 reside in?

24 A. Los Gatos, California.

25 Q. And where are you currently employed?

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1 Q. Exhibit 5 has been introduced in this
2 case with the Bates number LW_0013.

3 Are you able to see and open that file?

4 A. I'm opening it now.

5 Yes, I have it open.

6 Q. Is this a draft of Chapter 2 of your
7 "Site-Seeing" book?

8 A. Yes, it is.

9 Q. Do you know whether this is the final
10 draft?

11 A. It would take me a little bit of time to
12 say whether it's the final draft or not. But it
13 looks mostly complete, yes.

14 Q. And maybe it's a little easier, I'm
15 going to actually flip back and share Exhibit 1,
16 which was that metadata.

17 A. Uh-hmm.

18 Q. If you look at the row 14, it has the
19 Bates number of Exhibit 5, which is LW_13. And we
20 can see that -- as it was provided to us, it was in
21 folder called "Final Word File."

22 Does that help?

23 A. Yeah. That definitely helps. That
24 would be, if it's in the final Word files folder and
25 it's labeled "Final," that is the final document

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1 that got shared with both the publisher and also
2 the design team to do the layout.

3 Q. The name of the file is

4 "Chapter2_020802_final.doc."

5 Can you explain your naming conversion
6 here?

7 A. That would be the time at which we sort
8 of stamped it as final. So the way the iterations
9 worked is, when it was, you know, sent over, I would
10 put the date on the file. And when I say "sent
11 over," I mean, to both the publisher and graphic
12 design team.

13 And this is also how we would kind of
14 keep track of versioning. 'Cause, again, you know,
15 step backwards 20 years, those were -- you would use
16 file names oftentimes back then to -- we didn't have
17 version control systems and things like this as part
18 of our workflow, so you would use the file name.

19 You can also see we had to, like,
20 underscore things 'cause back then you couldn't put
21 spaces within file names either.

22 Q. Am I understanding the date format
23 correctly, that this would refer to February 8,
24 2002?

25 A. Yes. That would be February 2, 2002.

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1 Q. If you look at the "Last Modified Date"
2 column, that has a date in April, early April 2002.

3 A. Uh-hmm.

4 Q. Do you know what that reflects?

5 A. There may be like -- as with all
6 files -- right? -- there may be small things that
7 happened to the files as the process of transferring
8 them or editing them in like a minor way that would
9 update that last modified date.

10 So what I interpret that discrepancy as,
11 the file was finalized in terms of content on
12 February 8, 2002, and sent over as such. And then,
13 over the course of the next two months, as perhaps
14 it moved from one drive to another or, you know, a
15 slight modification of formatting things or
16 something like that happened, the last modified date
17 may have been updated.

18 Q. Is it fair to say you would consider
19 February 2002 the time that you finished writing the
20 chapter?

21 A. Yes. I will -- actually, let me take a
22 step back. It was probably before then. I would
23 consider February 8, 2002 at the time I developed
24 the final document version of it and sent it over
25 for the publisher and for graphic design work. It

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1 may have been completed a few days before then and
2 it sat there until I actually packaged it up and
3 sent it over.

4 Q. Thanks for clarifying.

5 Do you have -- do you have a copy of the
6 file on your computer with you?

7 A. Yes, I can pull it up. So this is
8 Chapter 2, 2008, 2002. Let me take a look.

9 Okay. I have a folder also here titled
10 "Final Word files," and I have a Chapter 2, 2008.
11 sorry. February 2 -- February 8, 2002 final.doc.
12 Yes, I have it open.

13 Q. And are you able to determine what the
14 creation date is in the metadata on your version of
15 this file?

16 A. Well, again, full disclosure, I am
17 looking at the file that I have uploaded to Dropbox
18 for you all. I'm not looking at the file that I
19 originally pulled this from off of the FireWire
20 drive.

21 Q. Okay.

22 A. I see here the date created is
23 February 8, 2002, 10:30 a.m. and the date modified
24 is April 4, 2002, 12:08 p.m.

25 Q. Thank you.

1 should these things actually work? And which of the
2 patterns and conventions are the ones that will
3 stick around the most -- right? -- and get most
4 widely adopted, and which ones should I use on my
5 sites based off of that combination of usability and
6 familiarity and effectiveness.

7 Q. When did you first come up with this
8 idea of combining the breadcrumb with the drop-down?

9 A. You know, it's a good question. And I
10 was flipping through my notes to the book, and I
11 actually found, back in the chapter outline here --
12 (demonstrating) -- when I was doing the outline for
13 the book prior to publishing it, there is a little
14 bullet here. It says, "Dynamic breadcrumb:
15 generic/lukew.com," and then above it, "Cascading
16 Menu," "Dynamic Menu," "Breadcrumb," "NCSA."

17 So during the time of outlining the book
18 and thinking through what content would be in it, I
19 had called it a "Dynamic breadcrumb" and written it
20 down as -- as a kind of example that I would like to
21 include in the book.

22 So that would have been in the early
23 phases of putting together the outline of the book
24 prior to actually writing the chapter.

25 Q. Did you come up with that idea yourself

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1 the -- after "Home," right?

2 A. Yes.

3 Q. So it shows "Folio," then "Web Sites,"

4 and then the "Silver Wrapper Productions." Do you

5 see that -- those links?

6 A. Yes.

7 Q. So get to "Silver Wrapper Products,"

8 would the user have needed to click on "Folio" and

9 then "Web Sites" in the general menus to create this

10 path?

11 A. They wouldn't have had to click on that,

12 no. They could have tapped on a link that says

13 "Silver Wrapper Productions" on, for example, the

14 home page, and then dropped directly into this page.

15 Q. Is that a net -- is it a web --

16 Could the user have gotten to this

17 breadcrumb by clicking on "Folio," and then "Web

18 Sites," and then "Silver Wrapper Productions"?

19 A. Yes.

20 Q. Okay. And this example on page 59, you

21 said this is the only example of dynamic breadcrumbs

22 in your book, right?

23 A. That was published, yes.

24 In the Images folder that I provided,

25 there was a number of, like, different renderings of

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1 what the drop-down menus can be rendered as based
2 off of what, like, different browsers supported.
3 But in the published book, these were the images,
4 yes.

5 Q. And there's no rolling over. I think
6 you called it hover on. Do you remember using that
7 term earlier?

8 A. Uh-hmm. Yes. Hovering over.

9 Q. Okay. There is no hovering over
10 functionality for these images, though, on page 59,
11 right?

12 A. Yeah, no, it is not depicted in these
13 images. These are standard drop-down HTML elements
14 within an order set of links.

15 Q. Could you see it being potentially
16 useful if you were able to hover over these links
17 and see the menu items on that level?

18 A. Again, it comes back to me saying, it
19 depends. Right? In some cases, that would be
20 useful; in other cases, it could become an
21 annoyance.

22 Q. Well, in the cases that's useful, why is
23 it useful?

24 A. It would be useful for kind of -- I
25 don't want to use the word "forcing." But making it

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1 the way it looks as the final image output.

2 Q. Right.

3 A. So this represents part of the process
4 of going from screenshot to production assay in the
5 book.

6 Q. But how the image for the book was
7 created was through -- was through photo -- was
8 through Photoshop?

9 A. I would say it's a combination of
10 Photoshop and screenshots of HTML code. There was
11 no -- like, all these elements were not created from
12 scratch.

13 They were a screenshot of, like I said,
14 an existing web page design where I started to
15 introduce some additional HTML elements, and then
16 took a screenshot of that and then brought it into
17 Photoshop to clean it up, remove some of the
18 elements, and style it a bit differently.

19 Q. Which website were you -- were you
20 implementing this on?

21 A. lukew.com, my personal website.

22 Q. And did you keep it as it's shown on
23 page -- as it's shown on page 59 of Exhibit P1, did
24 you keep it that way after you got your screenshot?

25 A. There is a period of time that I kept it

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1 as the image of both, I believe. I can find out
2 'cause I have renders of the website in a different
3 folder.

4 Q. If you want to produce that information,
5 that would be great.

6 A. Okay.

7 Q. Off the top of your head, do you
8 remember if that was -- it was like this during --
9 after June 20, 2002?

10 A. From what I remember is I took the
11 existing website, which is the screenshot you see
12 here. Right? I opened up that HTML file. I
13 started modifying it to adapt the breadcrumb to have
14 this navigational menu rendered as a drop-down. And
15 then I took a screenshot of that, made some edits.

16 And what I believe was live in
17 production is the version that you see in the book
18 in the upper image, where the "Silver Wrapper
19 Productions" was illustrated as a --
20 what-you-ma-call-it? It was rendered as a drop-down
21 menu.

22 Q. And when was that live?

23 A. I would have to look. I don't know.

24 Q. Okay.

25 A. Somewhere around that time frame. But

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 WACO DIVISION

4 CADDY SYSTEMS, INC., and)
5 511 TECHNOLOGIES, INC.) Case No.
6 Plaintiffs,) 6:20-cv-245-ADA
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8)
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14 511 TECHNOLOGIES, INC.) Case No.
15 Plaintiffs,) 6:20-cv-244-ADA
16 vs.)
17)
18 NXP SEMICONDUCTORS N.V., et)
19 al.,)
20 Defendants.)
21 -----X
22

14 REPORTER'S CERTIFICATION

15 VIDEOTAPED ORAL DEPOSITION OF LUKE WROBLEWSKI

16 OCTOBER 13, 2021

17
18 I, MAYLEEN AHMED, a Registered Merit
19 Reporter, Certified Realtime Reporter, and a Texas
20 and California Certified Shorthand Reporter, hereby
21 certify to the following:

22 That the witness, LUKE WROBLEWSKI, was
23 remotely duly sworn by me, and that the transcript
24 of the oral deposition is a true record of the
25 testimony given by the witness;

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1 That said proceedings were taken remotely
2 before me on October 13, 2021, taken down
3 stenographically at the time therein set forth, and
4 thereafter transcribed by me;

5 That in accordance with FRCP 30(e), before
6 completion of the proceedings, review of the
7 transcript was not requested and signature was
8 waived by the witness.

9 I further certify that I am neither counsel
10 for, related to, nor employed by any of the parties
11 in the action in which this proceeding was taken,
12 and further that I am not financially or otherwise
13 interested in the outcome of this action.

18 /s/ MAYLEEN AHMED, RMR, CRR, CRC
19 Texas CSR No. 9428 - Exp 7/31/23
20 Washington CCR No. 3402 - Exp 12/29/21
 Oregon CSR No. 17-0447 Exp 12/31/23
 California CSR No. 14830 Exp 12/31/21
 New York Notary Public